

REMARKS

This is in response to the Office Action mailed on May 27, 2004, and the references cited therewith.

No claims have been amended, added, or cancelled herein. Claims 1-20 and 53-73 are pending in this application.

§103 Rejection of the Claims

Claims 1-4, 6-7, 53-56, 58-59 were rejected under 35 USC § 103(a) as being unpatentable over Struhsaker et al. (US 6,188,912) in view of Ishii et al. (US 6,643,524). This rejection is respectfully traversed on the grounds that the combination of references do not teach or suggest each and every element, and a *prima facie* case of obviousness has not been established.

In addressing previous arguments provided by Applicant, the Examiner indicates that “the claim limitations do not provide detail how the modules configurable to operate as a standalone single-sector base station to distinguish from the cited reference. This statement appears to be imputing that a claim must contain language describing how a stated function or capability is accomplished. Applicant is aware of no such requirement. While claims must be enabled by the teachings in the application, there is no requirement that they describe in detail how something is accomplished. Functional language is specifically authorized by *In re Swinehart*, 439 F.2d210, 169 USPQ 226 (CCPA 1971); MPEP § 2173.05(g).

Each of the claims describe base station transceiver modules that are each configurable to operate as a standalone single-sector base station transceiver. The Office Action points to Col. 5, lines 49-62 of Struhsaker et al., “complete subscribers-system, one antenna sector” as corresponding to a standalone single-sector. The claim language in claim 1 refers to “a plurality of base station transceiver modules...each...configurable to operate as a standalone single-sector base station transceiver.” Sturhsaker et al., actually recites at Col. 5, lines 49-62: “An integrated base station architecture according to the present invention provides a complete sub-system for up to 240 users in one antenna sector for base station and antenna deployed at the central office.” Thus, it refers to a single antenna, and there is no suggestion of multiple modules, each

configurable as a standalone single-sector base station transceiver. Further, there is no suggestion of base station modules as claimed.

Struhsaker et al. also fails to disclose a backhaul interface module as claimed. The language cited in the Office Action refers to language discussing a communication link provided between the front end of the base station and the back end of the base station. It can include microwave back haul, HDL driven copper cable, or fiber optic cable. There is no suggestion that the communication link is a module as claimed.

Ishii et al. is not cited as providing such modules either. Since the references, alone or combined fail to teach or suggest each and every element, a *prima facie* case of obviousness has not been established, and the rejection should be withdrawn.

Claims 3-7 depend from claim 1, and claims 54-72 depend from claim 53 and are believed patentable for at least the same reasons.

Claims 8-20 and 60-72 were rejected under 35 USC § 103(a) as being unpatentable over Struhsaker et al. (US 6,188,912) in view of Ishii et al. (US 6,643,524) and further in view of Dajer et al. (US 6,587,448). This rejection is respectfully traversed. Claims 8-20 depend from claim 1 and are believed patentable for at least the same reasons. Dajer et al. is not cited as providing elements of claim 1 that are lacking from Struhsaker et al. and Ishii et al. as described above. Thus, a *prima facie* case of obviousness has not been established and the rejection should be withdrawn.

Claims 5 and 57 were rejected under 35 USC § 103(a) as being unpatentable over Struhsaker et al. (US 6,188,912) in view of Ishii et al. (US 6,643,524) and further in view of Mahany et al. (US 5,949,776). This rejection is respectfully traversed. Claims 5 and 57 depend from claims that are already believed allowable. Mahany et al. is not cited as providing elements missing from the other references with respect to the independent claims. A *prima facie* case of obviousness has not been established, and the rejection should be withdrawn.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

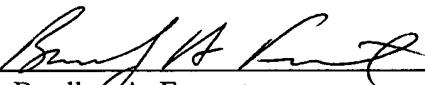
Respectfully submitted,

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Date 8/27/2004

By 

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27th day of August, 2004.

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